REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1, 3-5, 7 and 8 are pending in this application.

In the outstanding Office Action, Claims 1, 3-5, 7 and 8 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Liu et al. (A Hierarchical Hybrid System Model and Its Simulation, IEEE proceedings of the 38th Conference on Decision and Control, December 19, 1999, hereinafter "Liu").

Failure to consider references AO, AP and AQ listed on the LIST OF REFERENCES CITED BY APPLICANT FORM PTO 1449 filed September 27, 2008 is not understood. The Office Action states as a reason the requirement that a legible copy is required under 37 C.F.R. § 1.98(a)(2). A search of private PAIR on the USPTO website shows that legible copies of the documents are present in the USPTO record. Accordingly, it is respectfully requested that each of these documents be considered and that an initialed copy of the form PTO 1449 be returned with the next official communication.

Independent Claims 1 and 5 recite "generating from the first source code a fifth source code of event control program which calls a function of activating or deactivating the continuous system equations when the first event is occurred, and calls the additional process when the second event is occurred." It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Liu.

The Office Action states that Liu discloses:

> Generating from the first source code a fifth source code of an event control program which calls a function of activating or deactivating the continuous system equastions(sic) when the first event is occurred **(sections 4.1 and 4.2: events results in breakpoints)**, and calls the additional process when the second event is occurred **(section 4.3: when appropriate events occur there is a discrete state transition)**.

Applicants respectfully disagree.

The Office Action asserts on page 3 subparagraph b. that Liu sections 4.1 and 4.2 disclose a first source code defining a hybrid model language occurrences of first and second events and then states in subparagraph f. that sections 4.1 and 4.2 of Liu disclose generating from the first source code a fifth source code of an event control program which calls a function of activating or deactivating the continuous system equations when the first event is occurred.

Section 4.1 describes a predictable breakpoint that is based upon an exact state transition time before a simulation actually reaches that time. Section 4.2 describes an unpredictable breakpoint that is also described as a function of time but is impossible to know the exact time beforehand. Both the predictable breakpoint described in 4.1 and the unpredictable breakpoint described in 4.2 are based upon equation 8 found at the bottom of column 2 in section 3.2 which is described as a "boundary" condition equation which calculates a point in time. That is, the predictable breakpoint of section 4.1 and the unpredictable breakpoint of section 4.2 are simply points in time. There is no description in sections 4.1 and 4.2 of generating from the first source code a fifth source code of an event control program which calls a function of activating or deactivating the continuous system equations when the first event is occurred as recited in Claims 1 and 5. More specifically, there is no source code described in sections 4.1 or 4.2. Nor is there a description of a function of activating or deactivating system equations. Finally, there is no description of generating a fifth source code of an event control program.

The Office Action states in subsection d. that Liu section 4.3 discloses a third source code defining an additional process which is called when the second event is occurred and then states in section f. that Liu section 4.3 discloses generating from the first source code a

fifth source code of an event control program which calls the additional process when the second event is occurred.

Liu section 4.3 describes a discrete station transition based upon equation 9. This event is a breakpoint which is a function of time similarly to the breakpoints described in sections 4.1 and 4.2. Section 4.3 states "the automaton can evaluate the expression after each integration step. In this case, it can take the state transition whenever a guard is evaluated to true, but we do not specifically aim to find the first time point that makes the guard true." There is no description in 4.3 of the generation of a source code of an event control program which calls an additional process when the second event is occurred as recited in Claims 1 and 5.

It is respectfully submitted that the interpretation of Liu in the Office Action is internally inconsistent. As pointed out above, sections 4.1 and 4.2 of Liu are initially stated as disclosing a first source code defining a hybrid model language occurrences of first and second events and then are stated as disclosing generating from the first source code a fifth source code of an event control program which calls a function of activating or deactivating the continuous system equations when the first event is occurred. Additionally, the Office Action first takes the position that section 4.3 discloses a third source code defining an additional process which is called when the second event has occurred and then takes the position that section 4.3 discloses generating from the first source code a fifth source code of an event control program which calls the additional process when the second event is occurred. It is respectfully submitted that the claim language makes clear that the first source code is a different source code from the fifth source code and that the third source code is a different source code from the fifth source code. Therefore, it is respectfully submitted that the Office Action fails to clarify the inconsistent interpretations of sections 4.1, 4.2 and 4.3.

It is respectfully submitted that Claims 3, 4, 7 and 8 are patentable at least for the reasons argued above with regard to the claims from which they depend.

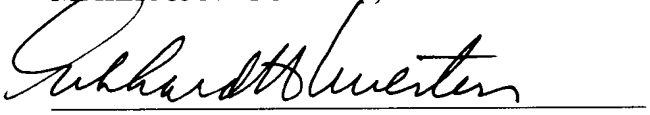
Accordingly, it is respectfully requested that the rejection of Claims 1, 3-5, 7 and 8 be reconsidered and withdrawn, and that Claims 1, 3-5, 7 and 8 be found allowable.

Consequently, for the reasons discussed in detail above no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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